

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

YOON DOELGER, and  
PETER DOELGER,

*Plaintiffs,*

vs.

JPMORGAN CHASE BANK, N.A., and  
CHICKASAW CAPITAL MANAGEMENT,  
LLC,

*Defendants.*

No. 1:21-cv-11042-AK

**THE PARTIES' JOINT MOTION FOR ENTRY OF PARTIAL FINAL  
JUDGMENT ON PLAINTIFFS' CLAIMS; DISMISSAL WITHOUT PREJUDICE,  
OR A STAY, OF JPMC'S COUNTERCLAIMS; AND A STAY  
OF ANY MOTIONS FOR FEES OR COSTS**

Defendants JPMorgan Chase Bank, N.A. (“JPMC”) and Chickasaw Capital Management, LLC, together with Plaintiffs Yoon Doelger and Peter Doelger (the “Parties”) respectfully move this Court to:

1. Enter a partial final judgment on Plaintiffs’ claims pursuant to Federal Rule of Civil Procedure 54(b);
2. Either (i) voluntarily dismiss JPMC’s counterclaims (as set forth in Counts I–III of its Answer, *see* Doc. No. 25 at 93–96) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) & (2), without prejudice to its ability to reassert those claims in this action *nunc pro tunc* in the event Plaintiffs’ claims are reinstated after appeal or, if Plaintiffs attempt to assert substantively similar claims in another action, in such action; or (ii) stay JPMC’s counterclaims during the pendency of any appeal pursuant to the Court’s inherent authority; and

3. Stay, pursuant to Federal Rule of Civil Procedure 54(d) and the Court's inherent authority, all deadlines and other proceedings concerning Defendants' potential application for attorneys' fees and costs pending resolution of Plaintiffs' anticipated appeal.

In conjunction with this Motion, the Parties are filing herewith:

- a. The Parties' Memorandum of Law in Support of their Joint Motion for Entry of Partial Final Judgment on Plaintiffs' Claims; Dismissal Without Prejudice, or a Stay, of JPMC's Counterclaims; and a Stay of any Motions for Fees or Costs;
- b. Two alternative proposed orders to assist the Court if it decides to grant the relief requested in paragraph 2 above, with one proposed order dismissing JPMC's counterclaims without prejudice as set forth in paragraph 2(i) above, and the other proposed order staying JPMC's counterclaims as set forth in paragraph 2(ii) above; and
- c. A proposed order to assist the Court if it decides to grant the relief requested in paragraph 3 above.<sup>1</sup>

**WHEREFORE**, the Parties respectfully request that the Court: (1) enter a partial final judgment on Plaintiffs' claims under Rule 54(b); (2) either dismiss JPMC's counterclaims without prejudice to its right to reassert the counterclaims in the event any of Plaintiffs' claims are revived on appeal, or stay the counterclaims during the pendency of any appeal; and (3) stay all deadlines and other proceedings concerning Defendants' potential application for attorneys' fees and costs pending resolution of Plaintiffs' anticipated appeal.

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<sup>1</sup> As noted in the accompanying Memorandum of Law (at 2 n.2), if it will assist the Court and upon request, the Parties are prepared to submit a proposed order entering a partial final judgment on Plaintiffs' claims as referenced in paragraph 1 above for the Court's consideration.

Dated: October 25, 2024

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Tracy O. Appleton, hereby certify that this document filed through the CM/ECF system was served electronically to the registered participants as identified on the Notice of Electronic Filing on October 25, 2024, and that paper copies will be sent to those indicated as non-registered participants on October 25, 2024.

/s/ Tracy O. Appleton

Tracy O. Appleton